

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

MATHEW MARTOMA,

Defendant.

Criminal Case No.: 12 Cr. 973 (PGG)

**DECLARATION OF RICHARD M. STRASSBERG IN SUPPORT OF
DEFENDANT MATHEW MARTOMA'S MOTION TO COMPEL
THE PRODUCTION OF CERTAIN DOCUMENTS WITHHELD
BY THE GOVERNMENT OR THE UNIVERSITY OF MICHIGAN**

I, Richard M. Strassberg, declare under penalty of perjury as follows:

1. I am a member of the law firm of Goodwin Procter LLP, attorneys for Defendant Mathew Martoma in this action. I have personal knowledge of and am fully familiar with the facts and circumstances set forth herein by virtue of both my representation of Mr. Martoma and my review of the case file in this action. I submit this declaration in support of Mr. Martoma's Motion to Compel the Production of Certain Documents Withheld by the Government or the University of Michigan in *United States v. Martoma*, 12 Cr. 973 (PGG).

2. Pursuant to Local Criminal Rule 16.1, I certify that counsel for Mr. Martoma has conferred with the Government and the University of Michigan in a good faith effort to resolve the privilege issues raised by the instant motion, but the parties have been unable to reach a resolution with respect to these issues.

3. Attached hereto as Exhibit A is a true and correct copy of a letter from Richard M. Strassberg to Hon. Paul G. Gardephe, dated June 13, 2013, which discusses, *inter alia*, Dr. Sidney Gilman's Electronic Materials in the University of Michigan's possession.

4. Attached hereto as Exhibit B is a true and correct copy of University of Michigan Standard Practice Guide § 601.11, entitled *Privacy and the Need to Monitor and Access Records*, which was issued on September 7, 2004.

5. Attached hereto as Exhibit C is a true and correct copy of a letter from Assistant United States Attorney Arlo Devlin-Brown to Hon. Paul G. Gardephe, dated May 28, 2013, which discusses, *inter alia*, Dr. Gilman's laptop hard drive in the Government's possession.

6. Attached hereto as Exhibit D is a true and correct copy of selected excerpts from the transcript of the March 5, 2013 Court Conference before Hon. Paul G. Gardephe in United States v. Martoma, 12 Cr. 973 (PGG), in the United States District Court for the Southern District of New York.

7. Attached hereto as Exhibit E is a true and correct copy of a news article by Drew Armstrong entitled *Michigan Professor Tied to Insider Trading Case Resigns*, dated November 30, 2012.

8. Attached hereto as Exhibit F is a true and correct copy of University of Michigan Standard Practice Guide § 520.01, entitled *Acquisition, Use and Disposition of Property (Exclusive of Real Property)*, which was issued on June 7, 2005.

9. Attached hereto as Exhibit G is a true and correct copy of University of Michigan Standard Practice Guide § 514.04, entitled *Tech Tools: Cell Phones and Portable Electronic Resources*, which was issued on May 31, 2012.

10. Attached hereto as Exhibit H is a true and correct copy of University of Michigan Standard Practice Guide § 303.03, entitled *Policy Statement on the Integrity of Scholarship and Procedures for Investigating Allegations of Misconduct in the Pursuit of Scholarship [sic] and Research*, which was issued on July 1, 1994.

11. Attached hereto as Exhibit I is a true and correct copy of a statement from the University of Michigan Health System entitled *UMHS Statement Regarding Federal Investigation Involving Dr. Sid Gilman*, dated November 21, 2012.

12. The Government has not represented to me that Dr. Gilman attempted to withhold any of the documents that were provided to the Government and the University of Michigan based on a claim that those documents were protected by the attorney-client privilege, insisted on confidentiality protections with respect to these documents, or sought to recover any such documents on the grounds of attorney-client privilege.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on June 21, 2013
New York, NY

/s/ Richard M. Strassberg
Richard M. Strassberg (RS5141)

CERTIFICATE OF SERVICE

I hereby certify that on June 21, 2013, I caused a true and correct copy of the foregoing to be served by electronic means, via the Court's CM/ECF system, on all counsel registered to receive electronic notices. I also certify that I have caused copies of the aforementioned document to be served via first class mail, postage prepaid upon all non-CM/ECF participants.

/s/ Richard M. Strassberg
Richard M. Strassberg (RS5141)